

Message Text

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ACTION DLOS-09

INFO OCT-01 EA-10 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07
INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-07 OMB-01 PA-01 PM-05 PRS-01 SP-02 SS-15
USIA-06 /127 W

-----012607 210138Z /75

R 200543Z OCT 77
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 7077
INFO AMEMBASSY TOKYO
CINCPAC

C O N F I D E N T I A L SEOUL 8869

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PLOS, KS
SUBJ: ROK TWELVE-MILE LIMIT

REF: (A) STATE 247753 (DTG 152107Z OCT 77), (B) TOKYO 16253
(DTG 190911Z OCT 77)

1. EMBOFF CONVEYED DEPARTMENT'S COMMENTS REFTEL IN DETAIL
TO MOFA INTERNATIONAL LEGAL AFFAIRS DIVISION CHIEF PAE PYONG-
SUNG. PAE OFFERED FOLLOWING INFORMAL COMMENTS IN RESPONSE.

2. RE US CONCERN WITH UNILATERAL EXTENSION OF TERRITORIAL
WATERS, PAE SAID ROKG HAS WAITED FOR AN EXTENDED PERIOD, HAD
NOTED THAT ABOUT HALF OF THE 124 COASTAL STATES HAVE TWELVE-
MILE TERRITORIAL SEAS, AND THAT THE ISSUE NO LONGER SEEMS TO
BE UNDER DISCUSSION. ROK THUS XZLT IT HAD TO MOVE.

3. CONCERNING SCHEDULE FOR ENACTMENT, PAE SAID THEY EXPECT
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PASSAGE OF THE ACT BY THE NATIONAL ASSEMBLY IN DECEMBER,
WITH IMPLEMENTATION BY DECREE TO FOLLOW IN ONE OR TWO MONTHS.

4. RE THE KOREA STRAIT, PAE SAID NO DECISION HAS YET
BEEN MADE REGARDING SPECIFIC ARRANGEMENTS. HE ASSURED
EMBOFF HOWEVER THAT ROKG RECOGNIZES THIS AS A STRAIT
USED FOR INTERNATIONAL NAVIGATION.

5. CHEJU STRAIT, PAE SAID, DIFFERS FROM KOREA STRAIT IN THAT BOTH SIDES ARE ROK TERRITORY. VARIOUS ROK ISLANDS BETWEEN MAINLAND AND CHEJU ISLAND BRING ENTIRE AREA WITHIN TWELVE-MILE LIMIT. WITH ADOPTION OF STRAIGHT BASE LINES, SOME PARTS OF THE AREA MIGHT BE INTERNAL WATERS AND SOME PARTS TERRITORIAL WATERS, BUT PAE COULD NOT SAY WHAT THE EXTENT OF EACH WOULD BE AT PRESENT.

6. CONCERNING ARTICLE 5, PART 1, PAE SAID IT WAS ROKG INTENT TO ACKNOWLEDGE THE RIGHT OF INNOCENT PASSAGE. IN THIS REGARD, THE TRANSLATION OF THAT PROVISION MIGHT BETTER READ "FOREIGN VESSELS MAY CONDUCT INNOCENT PASSAGE..." RATHER THAN "MAY BE ALLOWED". PAE ADDED THAT REQUIREMENT OF ADVANCE NOTICE CARRIES NO IMPLICATION OF RESTRICTION ON THE RIGHT OF PASSAGE, AND IS A PRACTICE REQUIRED BY OTHER COUNTRIES AS WELL. HE SAID THAT THE ROK CONSIDERS THIS REQUIREMENT IMPORTANT IN TERMS OF NATIONAL SECURITY.

7. THE LIST OF ACTS PROHIBITED UNDER INNOCENT PASSAGE, PAE ACKNOWLEDGED, IS ILLUSTRATIVE, NOT EXHAUSTIVE, NOTING THAT THE SAME IS TRUE OF THE LIST IN THE ICNT, ON WHICH THE ROK LIST WAS LARGELY BASED. HE SAID THE INTENTION IS TO FOLLOW THE ICNT PATTERN GENERALLY, AND ADDED THAT THE PRESIDENTIAL DECREE IS NOT EXPECTED TO ADD

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NEW RESTRICTIONS OR OTHERWISE ALTER THE CONCEPT OF INNOCENT PASSAGE.

8. CONCERNING ARTICLE 5, PART 2, ITEM 9, REGARDING POLLUTANTS, PAE SAID THAT IN PREPARATION OF THE PRESIDENTIAL DECREE THE STANDARDS OF THE PROPOSED INTERNATIONAL CONVENTION WILL BE KEPT IN MIND.

9. PAE SAID HIS GOVERNMENT WOULD WELCOME FURTHER USG COMMENT ON THE LAW AND HE WOULD KEEP THE EMBASSY INFORMED REGARDING THE PLANNED PRESIDENTIAL DECREES.

10. PAE'S IMMEDIATE RESPONSE TO EMBOFF'S EXTENSIVE PRESENTATION OF US VIEWS INDICATES THAT ROKG HAS ALREADY GIVEN CONSIDERABLE THOUGHT TO POSITION OUTLINED. WE SEE NO PROSPECT OF ROK RETREAT ON BASIC ISSUE OF TWELVE-MILE LIMIT BUT HOPE THAT SLIGHTLY GREATER FLEXIBILITY INDICATED ON TERMS OF PRESIDENTIAL DECREES MAY OFFER SOME ADJUSTMENT TO US CONCERNS OUTLINED REFTEL. WE WILL CONTINUE DISCUSSION WITH APPROPRIATE ROKG OFFICIALS.
SNEIDER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INNOCENT PASSAGE, TWELVE MILE LIMIT, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SEOUL08869
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770386-0988
Format: TEL
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771038/aaaabfwz.tel
Line Count: 115
Litigation Code IDs:
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 251d3a2a-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 247753, 77 TOKYO 16253
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 843941
Secure: OPEN
Status: NATIVE
Subject: ROK TWELVE-MILE LIMIT
TAGS: PLOS, KS
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/251d3a2a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009